

HENRY A. WAXMAN, CALIFORNIA,
CHAIRMAN

TOM LANTOS, CALIFORNIA
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS
BRIAN HIGGINS, NEW YORK
JOHN A. YARMUTH, KENTUCKY
BRUCE L. BRALEY, IOWA
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
BETTY McCOLLUM, MINNESOTA
JIM COOPER, TENNESSEE
CHRIS VAN HOLLEN, MARYLAND
PAUL W. HODES, NEW HAMPSHIRE
CHRISTOPHER S. MURPHY, CONNECTICUT
JOHN P. SARBANES, MARYLAND
PETER WELCH, VERMONT

ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
FACSIMILE (202) 225-4784
MINORITY (202) 225-5074

www.oversight.house.gov

TOM DAVIS, VIRGINIA,
RANKING MINORITY MEMBER

DAN BURTON, INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
JOHN M. McHUGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
TODD RUSSELL PLATTS, PENNSYLVANIA
CHRIS CANNON, UTAH
JOHN J. DUNCAN, JR., TENNESSEE
MICHAEL R. TURNER, OHIO
DARRELL E. ISSA, CALIFORNIA
KENNY MARCHANT, TEXAS
LYNN A. WESTMORELAND, GEORGIA
PATRICK T. McHENRY, NORTH CAROLINA
VIRGINIA FOXX, NORTH CAROLINA
BRIAN P. BILBRAY, CALIFORNIA
BILL SALI, IDAHO
JIM JORDAN, OHIO

October 31, 2007

Mr. Fred F. Fielding
Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Fielding:

The White House is withholding hundreds of pages of documents about the activities of convicted lobbyist Jack Abramoff on the grounds that these documents involve internal White House deliberations. Unless the President is prepared to assert executive privilege over these documents, they should be turned over to the Oversight Committee without further delay.

When Mr. Abramoff pleaded guilty to corruption charges in January 2006, White House officials stated emphatically that Mr. Abramoff was a virtual stranger to the White House. President Bush said, "I don't know him."¹ White House spokesman Scott McClellan asserted that "there were only a couple of holiday receptions that he attended, then a few staff-level meetings on top of that."² Through a spokesperson, Karl Rove, then Senior Advisor to the President, said, "Mr. Rove remembers they had met at a political event in the 1990s. ... Since then, he would describe him as a casual acquaintance."³ Ken Mehlman, the former Director of the White House Office of Political Affairs, said: "Well, Abramoff is someone who we don't know a lot about. ... We know what we read in the paper."⁴

The Committee's subsequent review of thousands of documents obtained from Mr. Abramoff's former firm, Greenberg Traurig, raised questions about these White House statements. According to the Greenberg Traurig documents, which were summarized in a bipartisan staff report released last year, Mr. Abramoff and his associates had hundreds of

¹ *Bush Wants No Link to Abramoff*, Knight Ridder Newspapers (Jan. 27, 2006).

² *White House, Press Briefing by Scott McClellan* (Jan. 4, 2006).

³ *White House: Rove Considered Abramoff 'A Casual Acquaintance,'* Associated Press (Feb. 14, 2006).

⁴ Interview of Ken Mehlman by A.L. Bardach, *Huffingtonpost.com* (Jan. 22, 2006).

lobbying contacts with White House officials, billed clients more than \$24,000 for meals and drinks with White House officials, and provided White House officials with high-priced tickets to sporting and entertainment events. The documents also described a series of actions by White House officials that benefited Mr. Abramoff and his clients, as well as requests from Mr. Abramoff that White House officials did not act upon.⁵

In response to the Committee's bipartisan staff report, the White House emphasized that the report was based solely on Mr. Abramoff's own records. White House spokesman Tony Snow told reporters that it is "very difficult within the report itself to figure out how many actual contacts there are" and that "there's a great deal of bewilderment about what's true and what's false."⁶ At the same time the White House promised full public accountability. Mr. Snow stated that the White House is "going to take a serious look at" the findings of the report, telling reporters, "we want to find out what the truth is." When asked by a reporter if he would let the public know "the full results of that review once you have it," he stated clearly, "you will know what the results are."⁷

This year, the Committee has sought to conclude its investigation by requesting (1) depositions with White House officials and former Abramoff lobbyists and (2) documents from the White House. The investigation has encountered obstacles because four witnesses, including individuals who worked in the White House, have raised Fifth Amendment concerns.

Despite the refusal of key witnesses to provide testimony, the Committee has learned that some senior White House officials had regular contact with Mr. Abramoff. Former White House political director Matt Schlapp cooperated with the Committee's investigation and provided voluntary testimony in a deposition. Mr. Schlapp estimated that he had "monthly" contact with Jack Abramoff on subjects that often involved official government business.⁸ He also told the Committee that Mr. Abramoff and his associates "had many friends in the administration"; that Mr. Abramoff was regarded as a "point of information" because of "his knowledge and his experience and his judgment on issues surrounding politics and policy and how the town works"; and that Mr. Abramoff's lobbying team was "viewed by many as a very respected lobbying team."⁹

⁵ Staff Report, House Committee on Government Reform (Sept. 29, 2006).

⁶ The White House, *Press Briefing by Tony Snow* (Sept. 29, 2006).

⁷ The White House, *Press Briefing by Tony Snow* (Sept. 29, 2006).

⁸ House Committee on Oversight and Government Reform, *Deposition of Matthew Aaron Schlapp* (Aug. 27, 2007).

⁹ *Id.*

Mr. Fred F. Fielding
October 31, 2007
Page 3

In response to the Committee's document request, the White House produced approximately 3,700 pages of documents. These documents generally involve communications between White House officials and Mr. Abramoff or members of his lobbying team. The White House refused, however, to produce over 600 pages of documents relating to Mr. Abramoff because they "contain internal deliberations among White House employees, or that otherwise implicate Executive Branch prerogatives."¹⁰ The White House also made a number of redactions in the pages produced to the Committee. Given the prior statements by White House officials, it is surprising that there would be this volume of documents of internal deliberations involving Mr. Abramoff.

The withholding and redacting of documents that describe internal White House deliberations relating to Mr. Abramoff is not appropriate. As you know, the Committee takes the position that responsive documents that are relevant to the Committee's investigation cannot be withheld unless the President makes a valid assertion of executive privilege. No such assertion has been made in this case. Therefore, I request that you provide these documents to the Committee by November 6, 2007.

Alternatively, in an effort to accommodate your concerns, you may make the documents available to the Committee staff for a review to assess whether the documents are needed for the Committee's investigation. A process like this worked well in resolving a similar dispute that arose during the Committee's investigation into the friendly fire death of Corporal Patrick Tillman. If you would like to pursue this alternative, the staff review should occur before the close of business on November 6.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information about how to respond to the Committee's request.

¹⁰ Letter from Emmet T. Flood to Rep. Henry A. Waxman (Sept. 21, 2007); Letter from Emmet T. Flood to Rep. Henry A. Waxman (Oct. 5, 2007); Letter from Emmet T. Flood to Rep. Henry A. Waxman (Oct. 10, 2007); Phone conversation between the Office of White House Counsel and Committee staff (Oct. 17, 2007).

Mr. Fred F. Fielding

October 31, 2007

Page 4

I would appreciate your cooperation with this request. If you have any questions about this request, please contact me or ask your staff to contact Kristin Amerling with the Committee staff at (202) 225-5051.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is fluid and cursive, with the first name "Henry" and last name "Waxman" clearly distinguishable.

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member